

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARK CHURCH,)
Plaintiff,) No. 08 C 47
v.) Judge Virginia M. Kendall
AVAYA CORPORATION,) Mag. Judge Cox
Defendant.)

NOTICE OF MOTION

To: *See Certificate of Service*

PLEASE TAKE NOTICE that on the **16th day of January, 2008 at 9:00 a.m.** or as soon thereafter as counsel may be heard, I shall appear before the Honorable Virginia M. Kendall any other Judge sitting in her stead, in the Courtroom usually occupied by her in Room 2319 of the United States District Court, 219 South Dearborn Street, Chicago, Illinois, and then and there present **Defendant's Motion to Dismiss**.

Respectfully Submitted,

AVAYA INC.

By: /s/ David M. Holmes
David M. Holmes
Bryan J. Johnson
**WILSON, ELSE, MOSKOWITZ,
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 9th day of January, 2008, the above and foregoing was electronically filed with the Clerk of the Court using the CM/ECF system and that a true and correct copy was served on the following by the method(s) indicated:

By Regular Mail

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/s/ David M. Holmes

David M. Holmes